

REMARKS

Amendments to the Drawings

The Examiner deemed Figure 9 (submitted July 10, 2006) unacceptable because it contained new matter, and stated: "... the original specification did not state that either the tracheal vibration sensor or the position sensor may be coupled to the transmitter. Rather the recited portion of the original specification indicates that both the vibration sensor and the position sensor are coupled to the transmitter."

Figure 9 has been amended to depict a coupling between the vibration sensor and the transmitter, and a coupling between the position sensor and the transmitter. The corresponding language in the specification is also being amended herein, as discussed below.

Amendment to the Specification

The Examiner objected to the amendment filed on August 23, 2007 under 35 U.S.C. §132(a) because it introduces new matter into the disclosure. As noted in the section "Amendments to the Drawings," above, the specification has been amended herein to comply with these requirements.

The present amendment to the specification cites paragraph and page numbers from the Applicants' already-entered amendment, submitted on August 23, 2007.

Amendments to the Claims

Claims 32, 36, 55, 56, 58, 59, and 74-119 are pending in this application. Claims 4-11, 15-20, 22-24, 26-29, 31, 33-35, 37-48 and 50 were canceled previously. Claims 1-3, 12-14, 21, 25, 30, 49, 51-54, 57, and 60-73 have been canceled herein. Claims 32, 36, and 56 have been amended. Claims 74-119 have been added. Applicants believe no new matter has been added by the changes and additions to the claims.

The present listing of claims will replace all prior versions of listings of claims in the application.

Response to Objection

Claim 36 was objected to because of an informality in which the word "further" was used in the claim. Claim 36 has been amended to delete the word "further."

Response to Rejections

Claims 1-31, 33-35, 37-54, 57, and 60-73 have been canceled. Independent method claim 32 has been rejected under 35 U.S.C. §102(b) as being anticipated by US Patent No. 2002/0165462 to Westbrook et al. Dependent claim 54 was objected to as dependent upon a rejected base claim, but indicated as allowable if rewritten in independent form.

Claim 54 has been canceled and the limitation of claim 54 (and all intermediary claims) has been added to claim 32. Claim 32 is thus now allowable. (Suprasternal notch is a more specific anatomical entity than peri-tracheal, and so it is unnecessary to specify peri-tracheal in amended claim 32.)

Claims 51 and 56 have been amended to be consistent with the newly amended claim 36, on which they depend.

Dependent claims 36, 49, 51, 52, 55-56, and 58-59 depend from claim 32 and are thus also now allowable.

New claims 74-119 have been added. These are all dependent on newly amended and allowable claim 32, and are thus also allowable.

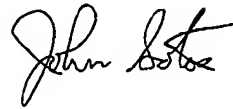
CONCLUSION

Applicants respectfully request the entry of the amendments to the specification, drawings, and claims, as these amendments do not enter new subject matter into the disclosure.

As the independent claim 32 is allowable, all of the dependent claims are similarly allowable.

While the Applicant believes a *Notice of Allowance* is now warranted, the Examiner is invited to contact the Applicant or Kenneth M. Kaslow, Esq. with any questions concerning the present application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John Sotos". The signature is fluid and cursive, with the first name "John" being more prominent than the last name "Sotos".

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